SHRI S.B. CHAVAN: Anyway, the long and short of the entire thing is, if any such order has been passed, we will quash the order and restore the Cell.

**श्री चतुरानन मिश्र:** मेरी एक रिक्वैस्ट है कि सेल ने ऐसा काम किया कि एक भी आदमी को सजा नहीं हो सकी और 11 वर्ष बीत गए हैं। तो इसको भी आप देखिए कि कहीं और 11 वर्ष न बीत जाएं। पता नहीं इतने दिन तक पब्लिक आपको रहने ही न दे। अगर आप इसी चाल से चले तो। तो पहले इस संबंध में कोई इंतजाम कीजिए।

THE DEPUTY CHAIRMAN: Now, this mater is over after the home Minister has explained.

**श्री एस०एस० अहलुवालिया:** महोदया, मेरी आपके माध्यम से माननीय मंत्री महोदय से गुजारिश है कि सेल तो रिस्टोर हो गया, बहुत बड़ी बात नहीं है किन्तु जितने लोग विक्टिम हैं, विक्टिम के परिवार के सदस्य हैं, आज भी वह कुछ लोगों की दहशत के कारण कचहरी में विटनैस देने के लिए नहीं जा सकते। उनको प्रोटेक्शन देने की जरूरत है। जिन्होंने आतंक फैलाया है, जिन्होंने हत्याएं की हैं, जिन्होंने बलात्कार किए हैं, उनके पास तो पुलिस प्रोटेक्शन है, वह तो एन०एस०जी० के प्रोटेक्शन में है।.....**(व्यवधान)**

**प्रो० विजय कुमार मल्होत्रा:** वह आप ही की साथी है।.....**(व्यवधान)**

**श्री एस० एस० अहलुवालिया:** तो वह तो एन०एस०जी० के प्रोटेक्शन में हैं लेकिन जिन लोगों के घरवाले मारे गये, जिनके बच्चे शहीद हो गए, जिनके घर जलाए गए, वह बेचारे सड़क पर धक्के खा रहे हैं। तो सरकार क्या ऐसा कुछ प्रावधान करेगी कि यह सेल इन विक्टिम्स को प्रोटैक्शन दे ताकि वह कचहरी में जाकर उनके खिलाफ गवाही दे सकें।

**मौलाना ओबैदुल्ला खान आज़मी** (उत्तर प्रदेश): आतंक फैलाने वाले सुरक्षित है तो यह कौन-सी नयी बात है?.....**(व्यवधान)**

مولانا عبیداللہ خان اعظمی (اترپردیش): کیسے بے والے محفوظ ہیں تو یہ کون سی نئی بات ہے.....

**श्री एस०बी० चव्हाण:** अगर आपके पास ऐसी कोई इन्फॉरमेशन है कि कोई आदमी विटनैस देने के लिए जाना चाहता है किन्तु कोई उसके इस बात के लिए दहशत देता है कि वह विटनैस के तौर पर गवाही देने के लिए न जाए तो ऐसी हालत में आप हमारे नोटिस में यह बात लाइए और हम उसकी प्रोटैक्शन का इंतजाम जरूर करेंगे।

SHRI ASHOK MITRA (West Bengal): Madam, I have only one small point to make, with great respect to the Home Minister, I am a little surprised that an order on such a serious matter could be issued without the Minister being informed. Some hanky-panky must be going on somewhere. So, when he quashes the order, could I humbly request him that he should also institute an inquiry to find out how this order could issue from his Ministry? And, in case it is necessary, he should proceed with disciplinary action.

SHRI S. B. CHAVAN: Madam, I will look into the matter and if it is so serious that some inquiry has to be conducted, I will certainly try to do it.

THE DEPUTY CHAIRMAN: Shri Bommai. Let us now start at least with some other business.

## RE. DISSOLUTION OF ELECTED GRAM PANCHAYATS AND MUNICIPALITIES IN ORISSA

SHRI SOMAPPA R. BOMMAI (Orissa): Madam, I would like to raise an issue. Recently, the Orissa Assembly has passed a resolution abolishing all the municipalities and panchayats. They have abolished all the panchayats and municipalities by a resolution of the Assembly.

SHRI CHATURANAN MISHRA (Bihar): Elected.

SHRI SOMAPPA R. BOMMAI: Yes, elected! Madam I would like to state certain facts. In 1992, elections were held in Orissa by the then Government. Sir, elections were not held for ten years by previous Congress Governments and when the Janata Dal came to power, elections were held. I must also bring to the notice of this House that the panchayat Act and the municipal Act of Orissa contain 33% reservation for

†[] Transliteration is Arabic Script.

women. There is also reservation for SCs and STs. There is also reservation for women for the post of Chairman. This Act is consistent with the 73rd Constitution Amendment. I would like to draw the attention of this House to provision 243(e) which states, "Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer. No amendment of any law for the time being in force shall have the effect of causing the dissolution of the Panchayat at any level which is functioning immediately before such amendment till the expiration of its duration specified in clause 1".

The Constitutional amendment specifically takes care that the Panchayat should continue for the five years and elections should be held before the expiry of the five years. There should be no vaccum. In other words there should be continuity of Panchayati Raj, not a single day should go without Panchayati Raj or a Municipality. It should be continuous. This amendment was brought in purposely because most of the Governments, particularly Congress Governments do not hold elections of local bodies and Panchayats for 10—15 years. That is the reason for bringing in this amendment. No administrators or officers or bureaucrats should be put in the administration of Panchayats. Only elected representatives should run these bodies. Article 40 of the Constitution is very clear about it which says that the Panchayati Raj should be established by the States. If the present Government had felt the need for some new provisions it could have amended the Act. Till the time fresh elections were held, the existing local bodies should have continued. Now by dissolving these bodies they want to bring in bureaucrats in place of elected representatives. This is murder of democracy. This is violation of the Constitution. I would also like to bring to your notice article 243(n) which says, "Notwithstanding anything in the first part, any provision of the law relating to Panchayat in force...

THE DEPUTY CHAIRMAN: I am sure, Mr. Bommai, the Government must be knowing the law. If they don't, it is a different matter. I am sure that they know it. ...*(Interruptions)*... I have other names also.

SHRI SOMAPPA R. BOMMAI: The State legislature has passed a resolution which is undemocratic and violative of the very principles laid down in the Constitution. This House which had passed the amendment is concerned about it. This is denial and negation of the very elementary democratic rights to villagers. So, I would like that immediate directions be issued to the State Government for staying the resolution and restoring the Panchayat. At least the resolution may be withdrawn.

**श्री चतुरानन मिश्र**: मैं भी अपने को इसके साथ एसोशिएट करता हूं और मांग करता हूं कि तुरन्त गवर्नमेंट बताये कि क्या मामला है और इस पर अपनी सफाई देनी चाहिए।

**श्री राम गोपाल यादव (उत्तर प्रदेश)**: यह बहुत गंभीर मामला है और हमारी पार्टी इससे अपने को संबद्ध करती है।.....**(व्यवधान)**.....

**श्री सुन्दर सिंह भंडारी** (राजस्थान): वहां की विधान सभा ने पंचायतों को भंग करने का जो प्रस्ताव पास किया है उसकी मैं निन्दा करता हूं। नये कानून के अनुसार चुनाव होने चाहिए लेकिन इसका अर्थ यह नहीं है कि अगर चुनाव नहीं होते तो पुरानी संस्थाओं को भंग कर दिया जाए। आवश्यकता है कि समय रहते उड़ीसा में जल्दी से जल्दी पंचायती राज के चुनाव सम्पन्न कराए जाएं। लेकिन जब तक ये चुनाव होकर नये संगठन चार्ज नहीं लेते तब तक इस समय की पंचायतों को काम करने की इजाजत दी जाये। प्रदेश की सरकार ने यह एक ऐसा कदम उठाया है जो संविधान की भावना के विरुद्ध है। इसलिए केंद्र सरकार को इसमें हस्तक्षेप करने की आवश्यकता है और सरकार को इस बात की व्यवस्था करनी चाहिए कि तब तक पिछली पंचायतें काम करती रहें। धन्यवाद।

DR. BIPLAB DASGUPTA (West Bengal): We also fully associate ourselves with the point that has been made by Shri Bommai. The same thing was done in Tripura. When the Left Front Government came, a number of

[Dr. Biplab Dasgupta]

Panchayats and other institutions were elected. But, in 1988, when the Congress Government came, they abolished these elected bodies. For this reason, Madam, I would request you to take the sentiments of the House to the Governmnet and ask them not permit this kind of an unconstitutional and undemocratic thing to be done by the Congress Government in Orissa.

**श्री दिग्विजय सिंह** (बिहार): उपसभापति महोदया, बोम्मई साहब की बात से मैं अपने को संबद्ध करता हूं और साथ ही आपके माध्यम से सरकार से यह दरख्वास्त करता हूं कि वहां पर यह जलदी से जल्दी कराया जाये। ....**(व्यवधान)**...

**श्री जनेश्वर मिश्र** (उत्तर प्रदेश): मैं बोम्मई साहब से अपने को संबद्ध करता हूं और मांग करता हूं कि सरकार इस पर ध्यान दे। ...**(व्यवधान)**...

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam, it is a matter of importance. ...*(Interruptions)*... The autonomy of the Panchayati Raj is being decreased. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Jaipalji, I agree with you. ...*(Interruptions)*... What will I do with her or him? ...*(Interruptions)*... Everybody is associating. ...*(Interruptions)*...

SHRI CHATURANAN MISHRA: Because there is no response from the Government, we will stage a walk-out ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I have said that everybody has associated himself ...*(Interruptions)*... It is on recrod. If you want to have a discussion, have it. If they do not associate themselves, can I ask them to associate themselves?

SHRI CHATURANAN MISHRA: Somebody should tell us as to why it is so. ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: In our view, there has to be some response ...*(Interruptions)*...Madam, as a protest we stage a walk-out.

(At this stage, some hon. Members left the Chamber)

**श्री दिग्विजय सिंह:** मैडम, पार्लियामेंटरी मिनिस्टर यहां बैठे हैं। वे इस पर रीऐक्ट करें।

**विपक्ष के नेता (श्री सिकन्दर बख्त):** मैडम, यह तमाशा कब तक जारी रहेगा। एक के बाद दूसरा, दूसरे के साथ तीसरा लगातार यह होता जा रहा है। इस तरह से ये हमारे पार्लियामेंटरी सिस्टम को, जम्हूरियत को पामाल कर रहे हैं। इसलिए इसके खिलाफ प्रोटेस्ट करते हुए हम वाक-आउट करते हैं।

**श्री जगदीश प्रसाद माथुर** (उत्तर प्रेदश): कांस्टिट्यूशन में केंद्र सरकार को अधिकार है। इसलिए इस पर सेन्ट्रल गवर्नमेंट को डाइरेक्टिव देना चाहिए।

**(इसके बाद कुछ माननीय सदस्यों ने वाक-आउट किया)**

SHRI JOHN F. FERNANDES (Goa): Walk-out during the Zero Hour—it has never happened before. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: If they want to walk out, it is their choice. Any Member can walk out, walk in, sit in the House, not to sit in the House. I cannot force. If somebody wants to associate himself — fine. If somebody does not want associate himself, I cannot force him to do so. I will never force anybody to do anything.

شری سکندر بخت : میڈم - یہ تماشہ
کب تک جاری رہے گا - ایک کے بعد
دوسرا - دوسرے کے بعد تیسرا
لگاتار یہ نیوٹا جا رہا ہے - اس طرح
سے یہ ہمارے پارلیمنٹری سسٹم کو
جمہوریت کو پامال کر رہے ہیں - اس
لئے اس کے خلاف پروٹسٹ کرتے ہوئے
ہم واک آؤٹ کرتے ہیں -

SHRIMATI CHANDRIKA ABHINANDAN JAIN (Maharashtra): I think it is a new way to elicit a reply from the Government. It is not possible for the Government to give a reply to each and every issue immediately.

**रसायन और उर्वरक मंत्री (श्री राम लखन सिंह**

†[] Transliteration in Arabic Script.

यादव): महोदया, मैं आदर पूर्वक कहता हूं कि एक ही बात सब के सब बोल जाते हैं। कुछ पता नहीं चलता है कि क्या बोलते हैं और क्या कहना चाहिए। आप उनको बार बार कहते हैं लेकिन कोई सुनता नहीं है। न तो ये किसी को सुनते हैं और सरकार को मौका देते हैं। अपनी बात कहकर अपने ढंग से जजमेंट दे देते हैं और चले भी जाते हैं।

## RE: LOSS OF LIFE AND PROPERTY DUE TO FLOODS IN JAMMU AND KASHMIR

SHRI JAGMOHAN (Nominated): Madam, I thank you very much. I wish to bring to the notice of the Government a grim tragedy that has gone unnoticed during these controversies and other things. Madam, about 85 persons have lost their lives in the floods in Jammu and Kashmir. And there has been a very heavy loss of property. This again points to the need for re-constructing the civil administration in the State of Jammu and Kashmir. It is because of the non-reconstruction that the protective works were not taken in time, which could have minimised the damage. It is because of this that even when the relief is going to be provided, there is no guarantee that the relief would go to the right persons. I would urge the Government to kindly give liberal relief to all those victims who have lost their kith and kin and who have lost property also. They should be compensated. But at the same time, care should be taken that the relief does not go to the terrorists and does not feed the terrorism further. This is another instance which requires that the civil administration should be properly reconstructed and it should start functioning. The warning about this total collapse of the administration had been given as early as 1989 by no less a person than the present Governor of Madhya Pradesh, Shri Mohd. Shafi Quereshi who was at that time the Congress Chief. He had appealed to the then Governor, Mr. Rao, as well as to the then Chief Minister, Dr. Farooq Abdullah saying you kindly reconstruct the civil administration which had totally collapsed and which had resulted in even the salute being taken by the pro-Pakistan elements in the heart of Srinagar on August 14, 1989. Even now, if after so many years, if the civil administration is not reconstructed, I wonder how this relief to the flood victims will be given in time in distant areas where people have died and where there are lots of complaints that relief is not there. Eighty-five per cent is a very large number because the civil administration could not reach the distant areas; it has collapsed there. So, I would urge upon the Government to do something solid in the matter of reconstruction rather than standing on prestige and only saying that we will hold elections after some time. The primary task should be attended to i.e. reconstruction. Thank you very much.

SHRI JOHN F. FERNANDES (Goa): Madam, I also want to associate myself with Shri Jagmohan. What is happening in Kashmir is very sad. For the last three years we are told that every project is completed, you get the completion certificate and money is taken by the administration and the terrorists. But I do not think any project is coming up. As a result, the people are made to suffer. So, I would ask the Government to go and conduct an enquiry and see how the amount has been utilized for the last three years. The project amount utilised has never been utilised 100 per cent and it has never been completed. This is happening only for the last three years. Shri Jagmohan also raised the point that there is no administration there and the terrorists are terrorising the contractors and taking the money from the administration. Thank you.

THE DEPUTY CHAIRMAN: Shri Mann. I must announce here, Mann Saheb, I will permit you in a minute, will you please sit down? There are only a few Members in the House. I am again